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7 *Attorneys for Plaintiff / Counter-Defendant*  
8 *Nevada Controls, LLC*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 \* \* \*

12 NEVADA CONTROLS, LLC, a Nevada  
Limited Liability Company,

Case No.: 3:12-cv-00068-HDM-VPC

13 Plaintiff,

14 v.

15 WIND PUMP POWER, LLC, a Kansas  
16 Limited Liability Company, SUNFLOWER  
WIND, LLC, a Kansas Limited Liability  
17 Company; DAN RASURE, an individual,

18 Defendants.  
19 \_\_\_\_\_ /

**NOTICE TO THE COURT  
REGARDING DEFENDANT  
SUNFLOWER WIND, LLC'S  
FAILURE TO COMPLY  
WITH THE COURT'S ORDER  
TO PROVIDE DISCOVERY  
REPONSES**

20 This matter came before Magistrate Judge Valerie Cooke on December 7, 2012,  
21 for a status conference. At the time of that hearing, the Court ordered that all  
22 Defendants shall provide their discovery responses (which were previously compelled  
23 by the Court) no later than December 14, 2012. (See Doc. #49). Discovery responses  
24 were received only from Defendants Rasure and Wind Pump Power, LLC, although  
25 those discovery responses were still incomplete, which will necessitate further motion  
26 practice with this Court since efforts to meet and confer have failed.

27 However, Defendant Sunflower Wind, LLC failed to serve its discovery  
28 responses by December 14, 2012 as ordered by the Court. (See attached Declaration

1 of Leigh Goddard, Ex. 1). Although there have been subsequent discussions between  
2 counsel since the December 14, 2012, Sunflower Wind still has not served the  
3 discovery responses. Therefore, this Notice is filed to inform the Court that Defendant  
4 Sunflower Wind has failed to comply with the Court's Order.

5 Respectfully submitted: February 25, 2013.

6 McDonald Carano Wilson LLP

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9 LEIGH GODDARD  
JESSICA WOELFEL

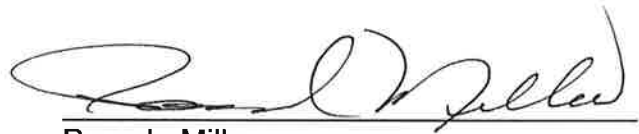
10 Attorneys for Plaintiff / Counter-Defendant  
11 Nevada Controls, LLC  
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**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson <sup>LLP</sup> and that pursuant to LR 5-3 I caused to be electronically filed on this date a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system which will automatically e-serve the same on the attorney set forth below:

Mark Goodman  
Goodman Law Center, P.C.  
348 Mill Street  
Reno, NV 89501

DATED: February 25, 2013.



Pamela Miller

## **EXHIBIT 1**

## **EXHIBIT 1**

1 LEIGH GODDARD, NV Bar #6315  
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7 *Attorneys for Plaintiff / Counter-Defendant*  
8 *Nevada Controls, LLC*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 \* \* \*

12 NEVADA CONTROLS, LLC, a Nevada  
Limited Liability Company,

Case No.: 3:12-cv-00068-HDM-VPC

13 Plaintiff,

14 v.

**DECLARATION OF LEIGH GODDARD  
IN SUPPORT OF NOTICE TO THE  
COURT REGARDING  
SUNFLOWER WIND, LLC**

15 WIND PUMP POWER, LLC, a Kansas  
16 Limited Liability Company, SUNFLOWER  
WIND, LLC, a Kansas Limited Liability  
17 Company; DAN RASURE, an individual,

18 Defendants.  
19 \_\_\_\_\_/

20  
21 I, LEIGH GODDARD, do hereby swear under penalty of perjury that the  
22 assertions of this Declaration are true.

23 1. I am over the age of 18 years and a resident of Washoe County, Nevada.  
24 I make this affidavit based upon personal knowledge, except where stated to be upon  
25 information and belief, and as to that information, I believe it to be true. If called upon  
26 to testify as to the contents of this Declaration, I am legally competent to testify to the  
27 contents of the Declaration in a court of law.

28 ///

1           2.       This Declaration is submitted in support of the Plaintiff Nevada Controls,  
2       LLC ("Nevada Controls") Notice to the Court Regarding Sunflower Wind. I certify that I  
3       have reviewed the content of the Notice and believe its contents to be true and correct.

4           3.       I am a partner in a law partnership known as McDonald Carano Wilson  
5       LLP, and I have been a lead counsel in prosecuting Nevada Controls' claims in this  
6       action.

7           4.       I appeared at the status conference with Magistrate Judge Cooke on  
8       December 7, 2012, at which time Defendants were ordered to provide, no later than  
9       December 14, 2012, their responses to Nevada Controls' discovery requests.

10          5.       Defendants Rasuer and Wind Pump Power provided responses to the  
11       discovery requests as ordered, although the responses were deficient and will be the  
12       subject of further motion practice before this Court.

13          6.       However, Defendant Sunflower Wind did not provide its discovery  
14       responses as ordered.

15          7.       In a December 14, 2012 e-mail accompanying the discovery responses of  
16       Rasure and Wind Pump Power, attorney Mark Goodwin indicated that Defendant  
17       Sunflower Wind could no longer defend this action. Of course, this explanation of  
18       counsel did not resolve the failure to comply with the Court's order.

19          8.       Further attempts were made to reach Mr. Goodwin via telephone and e-  
20       mail to discuss the failure of Sunflower Wind to provide discovery responses as  
21       ordered.

22          9.       Finally, in response to my e-mails, on January 30, 2013, Mr. Goodwin  
23       indicated that no later than February 5, 2013, Sunflower Wind would either provide  
24       discovery responses or withdraw its answer to the Complaint.

25          10.       Once again, Sunflower Wind has taken no action by February 5, 2013.

26          11.       Accordingly, notice is provided to the Court that Sunflower Wind is in  
27       further violation of the Court's order for failing to respond to provide its discovery  
28       responses as ordered.

1 I, Leigh Goddard, do hereby affirm under penalty of perjury that the assertions in  
2 this Declaration are true.

3 DATED: February 25, 2013

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6 LEIGH GODDARD  
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